



STATE OF WASHINGTON
WASHINGTON STATE BOARD OF HEALTH
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November 10, 2004

TO: Washington State Board of Health Members

FROM: Carl Osaki, Board Member

RE: REQUEST TO DELEGATE RULE MAKING, CHAPTER 246-290 WAC,
GROUP A PUBLIC WATER SYSTEMS

Background and Summary

During the 2003 session, the Legislature passed a Municipal Water Law (MWL) that made many policy changes, only some of which are related to the work of the State Board of Health. Regulatory authority over water resource allocation remains with the Department of Ecology. The Department of Health (DOH), however, reviews and approves municipal water system plans under State Board of Health rules. Under the new law, the “service area” incorporated into a DOH-approved plan could modify “place of use” restrictions on the water rights of municipal water suppliers. The number of connections approved by DOH could also replace the limitations that water rights documents place on the number of connections allowed and population served. While these changes do not modify the amount of water a municipal water supplier may ultimately use, they do give municipal water suppliers greater flexibility and could, in practice, change the amount of water they use. Another section of the law requires that DOH establish water use efficiency requirements for municipal water systems. DOH water conservation rules may need to be coordinated in some way the Board’s rules on municipal water systems plans. The provisions of this law are somewhat complicated. For Board members interested in understanding this law, I have attached the final versions of the bill and the bill analysis.

The Department believes that relatively minor and essentially technical changes to chapter 246-290 WAC, the Board’s rule governing Group A water systems, are needed to comply with various provisions of the MWL. These changes relate to planning and engineering requirements in the current rules. In addition, DOH and stakeholders have requested other technical fixes and clarifications. DOH believes these changes do not represent significant policy shifts. DOH also believes that while the Municipal Water Law may have controversial elements, the specific changes it is proposing are likely to enjoy broad public and professional consensus.

DOH, therefore, is requesting that the Board delegate rule making authority to implement the Municipal Water law and make other minor, technical changes to the chapter 246-290 WAC. A formal request from Janice Adair, DOH Assistant Secretary for Environmental Health, is attached, as is a DOH policy document providing background information and explaining the reasons for requesting delegation. Accompanying tables describing the nature of the changes being sought. These documents discuss this request in relation to the Board’s delegation policy, which is also attached along with current version of chapter 246-290 WAC.

Recommended Board Motion

I recommend the Board consider, amend if necessary, and approve the following motion:

The Board delegates to the Department of Health authority to amend chapter 246-290 WAC for the sole purpose of implementing the Municipal Water Law and making other minor and technical amendments as described in the Office of Drinking Water document titled “Request for Delegation of Rulemaking.”

Attachments (4)